

ORIGINAL
United States District Court

NOV 23 2004

U.S. PROBATION OFFICE
HONOLULU, HAWAIIat 1 o'clock and 15 min. P.M.
WALTER A.Y.H. CHINN, CLERK

UNITED STATES OF AMERICA

04 NOV 23

JUDGMENT IN A CRIMINAL CASE

v.

EDWARD JOHN DUGAN

Case Number: 1:03CR00380-001

USM Number: 90658-022

THE DEFENDANT:

- ☒ pleaded guilty to count(s): 1 of the Superseding Information.
☐ pleaded nolo contendere to counts(s) ___ which was accepted by the court.
☐ was found guilty on count(s) ___ after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Count
18 U.S.C. §2252(a)(2)	Receipt of child pornography	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on counts(s) ___ and is discharged as to such count(s).
☒ Indictment is dismissed on the motion of the United States.

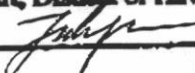
It is further ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

October 25, 2004
 Date of Imposition of Judgment


 Signature of Judicial Officer

DAVID ALAN EZRA, Chief United States District Judge
 Name & Title of Judicial Officer

Nov. 22, 2004
 Date

ATTEST: A True Copy
 WALTER A.Y.H. CHINN
 Clerk, United States District
 Court, District of Hawaii
 By  Deputy

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DEFENDANT: EDWARD JOHN DUGAN

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 120 MONTHS.

- ☒ The court makes the following recommendations to the Bureau of Prisons:
Butner, NC. Sex offender treatment. Drug treatment. Mental health treatment. Educational and Vocational training. Alcohol treatment.
- ☒ The defendant is remanded to the custody of the United States Marshal.
- ☐ The defendant shall surrender to the United States Marshal for this district.
☐ at ____ on ____.
☐ as notified by the United States Marshal.
- ☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
☐ before __ on ____.
☐ as notified by the United States Marshal.
☐ as notified by the Probation or Pretrial Services Officer.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 5 YEARS.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon (Check if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check if applicable.)
- ☒ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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SPECIAL CONDITIONS OF SUPERVISION

- 1) That the defendant participate in a substance abuse program, which may include drug testing at the discretion and direction of the Probation Office.
- 2) That the defendant participate in a mental health program at the discretion and direction of the Probation Office.
- 3) That the defendant provide the Probation Office access to any requested financial information.
- 4) That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Defendant shall also submit to periodic unannounced examinations of his computer and computer accessories as well as provide access to his internet service provider account records, as directed by the Probation Office. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.
- 5) That the Defendant may change his residence only with the advance approval of the Probation Office.
- 6) That the defendant shall participate in sex offender assessment and treatment and abide by the policies and procedures of the program, which may include the plethysmograph, polygraph, and other types of testing, as approved by the Probation Office.
- 7) That the defendant shall not have any type of contact (including written materials, communication devices, audio and visual devices, visits, or through a third party), with children under the age of 18 or victims of prior offenses, except in the presence of a adult who is aware of the nature of the defendant's offense and who has been approved by the Probation office.
- 8) That the defendant shall not view, purchase, possess or distribute any form of child pornography depicting sexually explicit conduct as defined in 18 U.S.C. § 2256(8), unless approved for treatment purposes, or frequent any place where such material is available.
- 9) That the defendant shall not view, purchase, possess or distribute any form of pornography depicting sexually explicit conduct as defined in 18 U.S.C. § 2256(2), unless approved for treatment purposes, or frequent any place where such material is the primary product for sale or entertainment is available. In addition, the defendant shall not view or subscribe to any paid cable stations such as Cinemax, or the Playboy Channel, as directed by the Probation Officer.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 100	\$	\$

☐ The determination of restitution is deferred until . An Amended Judgment in a Criminal Case (AO245C) will be entered after such a determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. §3664(i), all non-federal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS

\$ _

\$ _

☐ Restitution amount ordered pursuant to plea agreement \$ _

☐ The defendant must pay interest on restitution and a fine of more than \$2500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. §3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

<input type="checkbox"/> the interest requirement is waived for the	<input type="checkbox"/> fine <input type="checkbox"/> restitution
<input type="checkbox"/> the interest requirement for the	<input type="checkbox"/> fine <input type="checkbox"/> restitution is modified as follows:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☐ Lump sum payment of \$ _ due immediately, balance due
☐ not later than _ , or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below, or
- B ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _ (e.g., weekly, monthly, quarterly) installments of \$ _ over a period of _ (e.g., months or years), to commence _ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _ (e.g., weekly, monthly, quarterly) installments of \$ _ over a period of _ (e.g., months or years), to commence _ (e.g., 30 or 60 days) after the release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the Clerk of the Court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several
Defendant and Co-Defendant Names and Case Numbers (including defendant number, Total Amount, Joint and Several Amount, and corresponding pay, if appropriate.
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

STATE OF HAWAII CIRCUIT COURT OF THE SECOND CIRCUIT	JUDGMENT GUILTY CONVICTION AND PROBATION SENTENCE NOTICE OF ENTRY	CASE NUMBER CR. NO(S). 98-0531(2)
STATE OF HAWAII VS (DEFENDANT) EDWARD JOHN DUGAN	ORIGINAL	POLICE REPORT NUMBER 96-31904
DEFENDANT'S PLEA: ✓ GUILTY ✓ JUDGE FINDINGS		
ORIGINAL CHARGE(S) : Sexual Assault in the Second Degree	CHARGE(S) TO WHICH DEFENDANT PLEAD : Sexual Assault in the Second Degree	
DEFENDANT IS CONVICTED AND FOUND GUILTY OF: SEXUAL ASSAULT IN THE SECOND DEGREE		
JUDGMENT AND SENTENCE OF THE COURT: PROBATION		
TERM TWENTY (20) YEARS	FINE N/A	
SPECIAL CONDITIONS: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> RESTITUTION <input checked="" type="checkbox"/> JAIL <input type="checkbox"/> COMMUNITY SERVICE </div> <div>[X] OTHER:</div> </div>		
<p>It is adjudged that the Defendant has been convicted and is guilty as stated above:</p> <p>IT IS THE JUDGMENT AND SENTENCE of the court that the Defendant pay the fine/restitution indicated and is hereby placed on probation for the period stated above, commencing as of the date of this judgment, unless sooner discharged by order of the court, upon condition that the Defendant comply with all of terms and conditions of probation set forth in the attached document.</p> <p>IT IS ORDERED that copies of this Judgment be delivered to the Adult Probation Division of this court, that a probation officer of this court take charge of and have supervision of the Defendant and instruct the Defendant regarding the terms and conditions of probation, and that the probation officer furnish the Defendant a copy of this Judgment.</p> <p>EFFECTIVE AS OF NOVEMBER 24, 1998</p>		
DATE SIGNED 11/24/98	JUDGE SHACKLEY F. RAFFETTO	SIGNATURE
NOTICE OF ENTRY		
THIS JUDGMENT HAS BEEN ENTERED AND COPIES MAILED OR DELIVERED TO ALL PARTIES. Distribution: R. RIVERA; T. GRISWOLD; DEFT THRU APD; APD; MPD; MCCC; FISCAL; SHERIFFS		
DATE 11/24/98	CLERK 	

2ND CIRCUIT COURT
 STATE OF HAWAII
 FILED
 98 NOV 24 AM 11:15
 N. DORTCH
 CLERK

TO: DEFENDANT: EDWARD JOHN DUGAN

IT IS THE ORDER OF THE COURT THAT DURING YOUR TERM OF PROBATION, YOU SHALL COMPLY IN ALL RESPECTS WITH THE FOLLOWING TERMS AND CONDITIONS:

1. You must not commit another federal or state crime during the term of probation;
2. You must report to a probation officer as directed by the court or the probation officer;
3. You must remain within the jurisdiction of the court unless granted permission to leave by the court or a probation officer;
4. You must notify a probation officer prior to any change in address or employment;
5. You must notify a probation officer promptly if arrested or questioned by a law enforcement officer; and
6. You must permit a probation officer to visit you at your home or elsewhere as specified by the court.
7. Your further special conditions of probation are as follows:
 - A. Follow all reasonable instructions which are given to you by your probation officer;

SEE ATTACHED SPECIAL TERMS AND CONDITIONS OF PROBATION

Note: IF YOUR WHEREABOUTS BECOME UNKNOWN TO YOUR PROBATION OFFICER BECAUSE OF YOUR FAILURE TO KEEP HIM INFORMED, THE COURT MAY ORDER YOUR ARREST. ANY FAILURE BY YOU TO COMPLY WITH ALL OF THE TERMS AND CONDITIONS OF PROBATION WILL MEAN THAT THE COURT CAN REVOKE YOUR PROBATION AND SENTENCE YOU TO PRISON, OR CHANGE OR ADD TO THE TERMS OF PROBATION. YOU ARE FURTHER INFORMED THAT PER HRS 134-7, YOU ARE PROHIBITED FROM OWNING OR POSSESSING ANY FIREARM OR AMMUNITION.

THE FOREGOING TERMS AND CONDITIONS OF PROBATION HAVE BEEN EXPLAINED TO ME; I FULLY UNDERSTAND THEM, AGREE TO ABIDE BY THEM IN EVERY WAY AND UNDERSTAND THE CONSEQUENCES. I HAVE RECEIVED A COPY OF THESE TERMS AND CONDITIONS OF PROBATION.

DATE	DEFENDANT'S SIGNATURE	WITNESSED BY
		INTERPRETED BY (PROBATION OFFICER)

State of Hawaii v. Edward John Dugan
Cr. No. 98-0531(2)
ATTACHMENT TO TERMS AND CONDITIONS OF PROBATION

SPECIAL TERMS AND CONDITIONS

- A. Follow all reasonable instructions which are given to you by your Probation Officer.
- B. You are committed to the custody of the Director of the Department of Public Safety for a period of ONE (1) YEAR of jail confinement, mittimus to issue forthwith, credit for time served.
- C. You must refrain from the use of alcohol and/or illicit/unprescribed drugs/substances and submit to testing at your own expense as directed by the Adult Probation Division, with the provision that a positive finding and/or failure to provide a specimen within two hours of instruction may be considered prima facie evidence of probation/deferral violation.
- D. You must submit to drug/alcohol assessments throughout your period of probation as directed by the Adult Probation Division and, if deemed necessary, seek and maintain outpatient and/or residential drug/alcohol treatment until clinically discharged with the concurrence of the Adult Probation Division.
- E. You must not make or attempt to make contact, directly or indirectly, with the victim or any other party significantly related to the victim, without the prior knowledge and authorization of the Probation Officer.
- F. You must submit to a psychosexual assessment with a certified sex offender counselor and if treatment is recommended, maintain treatment until clinically discharged with the concurrence of the Adult Probation Division.
- G. You must provide a written waiver of confidentiality for any assessment, treatment, counseling or therapy.
- H. You must abide by any curfew, travel and leisure time restrictions imposed by the Adult Probation Division.
- I. You must refrain from purchasing or possessing inappropriate audio or visual materials as clinically defined by your primary therapist; nor shall you frequent any place where such material is available to you.

- J. Based on reasonable suspicion that illicit substances, contraband, or inappropriate materials, as clinically defined by your primary therapist, may be in the places of a search, submit at reasonable times to a search of your person, residence, vehicle, or other sites and property under your control, by any probation officer, with or without a warrant, and that any illicit substances, contraband, or inappropriate materials, found or observed thereby may be seized.
- K. You must write a letter of apology to the victim, stating full responsibility, as approved by the Adult Probation Division.
- L. You must reimburse the Judiciary for any assessment and/or treatment paid by the Judiciary as determined by the Adult Probation Division.
- M. You must not own/possess/have in your control any type of firearm and/or ammunition.
- N. You must sign a Waiver of Extradition.
- O. You must pay the Criminal Injuries Compensation fee in the amount of \$200.00 at the rate of at least \$10.00 per month.